

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3
4 Bobby Bonnet,

5 Plaintiff

6 v.

7 State of Nevada, Department of
8 Transportation Division and Does I-X,

9 Defendants

Case No. 3:18-cv-159-HDM-WGC

**Order Granting Motion for Judgment on
the Pleadings (ECF 29)**


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11 The State moves for judgment on the pleadings. It asserts that this Court lacks subject-
12 matter jurisdiction over Bonnet’s second and third causes of action—both of which relate to age
13 discrimination. ECF 29 at 2–3. Bonnet has filed a “non-opposition” to the stated motion. ECF
14 34.

15 This Court lacks jurisdiction over Bonnet’s second and third causes of action. States are
16 immune from suit, under state or federal law, by private parties in federal court absent waiver or
17 abrogation of that immunity. *See U.S. Const. amend. XI; Seminole Tribe of Fla., v. Florida*, 517
18 U.S. 44, 54 (1996). Nevada has not waived its immunity. NRS 41.031(3). Nor did ADEA—the
19 lone remedy for age discrimination, *Ahlmeier v. Nevada Sys. of Higher Educ.*, 555 F.3d 1051,
20 1058 (9th Cir. 2009)—abrogate Nevada’s immunity, *Kimel v. Fla. Bd. of Regents*, 528 U.S. 62,
21 91 (2000).

1 Because the Eleventh Amendment bars Bonnet's age-discrimination claims, Bonnet's
2 second and third causes of action are dismissed with prejudice for lack of subject-matter
3 jurisdiction.

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5 IT IS SO ORDERED.

6 Dated: October 22, 2018

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Howard D. McKibben
9 Senior U.S. District Judge
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